

Philip H. Gottfried (PG 6278)  
Marc J. Jason (MJ 0934)  
Holly Pekowsky (HP 5034)  
Amster, Rothstein & Ebenstein LLP  
90 Park Avenue  
New York, New York 10016  
(212) 336-8000

Attorneys for Plaintiff/  
Counterclaim Defendant  
Klauber Brothers, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
KLAUBER BROTHERS, INC., :  
: Civil Action No.: 07 CV 6133 (PAC)  
Plaintiff/ : ECF Case  
Counterclaim :  
Defendant, :  
: **RESPONSE TO COUNTERCLAIM**  
v. :  
: DREAMWEAR, INC. :  
: Defendant/  
: Counterclaim  
: Plaintiff.  
-----x

Plaintiff/Counterclaim Defendant Klauber Brothers, Inc. (hereinafter still referred to as "Plaintiff" or "Klauber") responds as follows to the Counterclaim of Defendant/Counterclaim Plaintiff Dreamwear, Inc. (hereinafter still referred to as "Defendant" or "Dreamwear").

1. Klauber admits the truth of the allegations of paragraphs 1, 3, 4 and 9 of the Counterclaim.

2. Klauber admits the truth of the allegations of paragraph 2 of the Counterclaim, except states that it is without knowledge or information sufficient to form a belief about whether the address stated is the principal place of business of Dreamwear and, accordingly, denies the same and leaves Dreamwear to its proofs relative thereto.

3. Klauber denies the truth of the allegations of paragraphs 5, 6, 7 and 8 of the Counterclaim.

WHEREFORE, Klauber respectfully requests that the Court dismiss Dreamwear's Counterclaim in its entirety with prejudice, that the Court award Klauber the relief it demanded in the Complaint and such other and further relief as is just and proper under the circumstances, including awarding Klauber its costs and attorneys' fees and its damages or, in the alternative, statutory damages, if it requests the same prior to judgment.

Dated: New York, New York  
August 10, 2007

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN, LLP  
90 Park Avenue  
New York, New York 10016  
Telephone No.: (212) 336-8000

Attorneys for Plaintiff/Counterclaim Defendant,  
Klauber Brothers, Inc.

By:

  
Philip H. Gottfried (PG 6278)  
Marc J. Jason (MJ 0934)  
Holly Pekowsky (HP 5034)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the day which appears below, a copy of the annexed Response To Counterclaim was served on Defendant, Dreamwear, Inc., by causing a copy thereof to be placed in an envelope, with first-class postage prepaid, and causing the same to be mailed to attorneys for Defendant, Dreamwear, Inc., addressed as follows:

David Jacoby, Esq.  
Schiff Hardin LLP  
900 Third Avenue  
New York, New York 10022

  
Holly Pekowsky, Esq. (HP 5034)

Dated: August 10, 2007  
New York, NY